

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.10-00094-02-CR-W-DGK
)	
GILBERTO BALDENEGRO-VALDEZ,)	
)	
Defendant.)	

ORDER ON MOTIONS *IN LIMINE*

Now before the Court is Defendant Gilberto Baldenegro-Valdez' Motion *In Limine* to Exclude Evidence of Prejudicial Uncharged Conduct (doc. 90). Defendant moves to exclude statements allegedly made by him in a recorded conversation in which he claims he was in a bar fight, and a statement he allegedly made to the police in which he admitted trafficking methamphetamine. Defendant argues these statements are irrelevant to the charged conspiracy, substantially more prejudicial than probative, and evidence of other bad acts for which the Government has failed to give timely notice of its intent to use.

The Government has alleged that the first statement was part of a larger conversation with Baldenegro-Valdez' codefendant and a confidential informant at a Hardee's where the three met to complete a drug transaction, and that Baldenegro-Valdez' statements were designed to make him appear to be a tough individual. The Court holds that these statements provide context to the meeting and discussions between the three men, therefore they are relevant and probative of Defendant's guilt without being unfairly prejudicial. Consequently, this statement is admissible.

With respect to the confession Defendant allegedly made to the police in which he admitted coming to Kansas City from Colorado because someone named “Selvo” paid him \$1,000 to transport methamphetamine, the Court finds this statement is relevant and admissible.

The Motion in Limine (doc. 90) is DENIED.

IT IS SO ORDERED.

Date: March 11, 2011

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT